UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,436	04/19/2001	Istvan Cseri	MSFT-0323/167389.1	2254

41505   7590   02/11/2008
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EXAMINER
POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/838,436	CSERI ET AL.
	Examiner	Art Unit	
	MELVIN H. POLLACK	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 November 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28 and 30-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28 and 30-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 April 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☒ Other: *see attached office action*.

DETAILED ACTION

Response to Amendment

1.   The declaration filed on 29 November 2007 under 37 CFR 1.131 is sufficient to

overcome the Girardot reference.

2.   Applicant accepts 27 October 1999 as the new effective priority date, due to the

declaration.

Response to Arguments

3.   Applicant's arguments, see Remarks, Pp. 7-8, in light of the 131 Declaration, both filed

29 November 2007, with respect to the rejection(s) of claim(s) 1-29 and 30-39 under Girardot

have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of newly

found prior art references.

4.   The 101 rejection is withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-4, 6-12, 14-16, 18-23, 25-28, 31, 31, and 33-39 are rejected under 35 U.S.C.

103(a) as being unpatentable over Hind et al. (6,635,088) in view of Snow (4,597,057).

7.   For claims 1, 11, Hind teaches a method and system (abstract) for generating a data

stream according to a binary format of a tag-based description language (col. 1, line 1 – col. 7,

line 35 and col. 15, lines 5-20), comprising tokenizing (col. 8, line 25 – col. 9, line 40) tag names

(col. 12, lines 45-60) into alpha-numeric tokens (col. 11, line 60 – col. 12, line 15).

8.   Hind does not expressly disclose that the alpha-numeric tokens are numeric tokens.

Snow teaches a method and system (abstract) of performing text compression (col. 1, line 1 - col.

2, line 55 and col. 13, lines 35-60), wherein tokens may be numeric (col. 4, lines 10-25). At the

time the invention was made, one of ordinary skill in the art would have combined the inventions

to provide further compression (col. 1, lines 15-30).

9.   For claims 2, 28, Hind teaches tokenizing attribute names into alpha-numeric tokens (col.

14, lines 10-45).

10.   For claims 3, 30, Hind teaches that said numeric tokens for tag names are variable sized

(col. 8, line 60 – col. 10, line 25).

11.   For claims 4, 31, Hind teaches that said numeric tokens for attribute names are variable

sized (col. 8, line 60 – col. 10, line 25).

12.   For claims 6, 14, 18, and 25, Hind teaches that said tokenizing of tag names includes

inserting a name definition construct into the data stream the first time a tag name is encountered

for purposes of recreating the tag names by a device that receives the data stream (col. 13, lines

20-50).

13.   For claims 7, 15, 19, 22, 26, and 33, Hind teaches that the tag-based description language

is extensible markup language (XML) (col. 7, lines 35-50).

14.   For claims 8, 34, Hind teaches that the tokenizing of the tag and attribute names

decreases the time elapsed parsing the data stream by a device that receives the data stream, the

time being decreased relative to the parsing of a corresponding text-based format of the tag-based description language (col. 3, lines 1-25).

15.   For claims 9, 35, Hind teaches that the tokenizing of the tag and attribute names decreases overhead incident to formatting data for representation according to the tag-based description language (col. 3, lines 1-25).

16.   For claims 10, 36, Hind teaches that the tokenizing of the tag and attribute names decreases the size of the resulting data file formatted according to the tag- based description language (col. 3, lines 1-25).

17.   For claims 12, 23, Hind teaches a computer readable storage medium (abstract) bearing computer executable instructions for carrying out the method of (col. 1, line 1 – col. 7, line 35; col. 15, lines 5-20) receiving a well-formed document in a text format of a tag-based description language (col. 7, lines 35-60) and converting the document to a binary format via tokenization (col. 8, line 25 – col. 9, line 40) of the tag and attribute names (col. 12, lines 45-60; col. 14, lines 10-45) into alpha-numeric tokens (col. 11, line 60 – col. 12, line 15).

18.   For claim 16, Hind teaches a computer readable storage medium (abstract) bearing computer executable instructions for carrying out the method of (col. 1, line 1 – col. 7, line 35; col. 15, lines 5-20) assembling data into a document according to a binary format by tokenizing (col. 8, line 25 – col. 9, line 40) the tag and attribute names (col. 12, lines 45-60; col. 14, lines 10-45) into variable sized (col. 8, line 60 – col. 10, line 25) alpha-numeric tokens (col. 11, line 60 – col. 12, line 15), wherein the numeric tokens are in incrementally consumable form (col. 8, line 25 – col. 9, line 40).

19.   For claim 20, Hind teaches a computer readable storage medium (abstract) bearing

computer executable instructions for carrying out the method of (col. 1, line 1 – col. 7, line 35;

col. 15, lines 5-20) receiving a document formatted according to a binary format of a tag-based

description language and directly parsing the data in the document for use by another element in

a computer system (col. 13, lines 20-65).

20.   For claim 21, Hind teaches that before said parsing, said method includes converting the

document to a text format of the tag-based description language (col. 7, lines 35-60).

21.   For claims 27, 37, Hind teaches that in a system (abstract) in which a transmitting device

transmits in a streaming fashion data formatted according to a tag-based description language, a

method for generating a data stream according to a binary format of the tag-based description

language, (col. 1, line 1 – col. 7, line 35; col. 15, lines 5-20) comprising

        a.   For each unique tag name (col. 12, lines 45-60; col. 14, lines 10-45), at the first

        time a tag name of the data is encountered, tokenizing the tag name into a numeric token

        and transmitting the token and the text associated with the tag name (col. 8, line 25 – col.

        9, line 40); and

        b.   At any time subsequent to the first time that the tag name of the data is

        encountered, transmitting the numeric token without the text (col. 13, lines 20-50).

22.   For claim 39, said data is transmitted incrementally, and whereby a receiving device

parses said data as it is incrementally received by the receiving device (col. 13, lines 20-50).

23.   Claims 5, 13, 17, 24, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hind and Snow as applied to claims 1, 2, 12, 16, 23, 27, 28 above, and further in view of

Burkett et al. (6,671,853).

24.   For claims 5, 13, 17, 24, and 32, Hind does not expressly disclose that said tokenizing of

attributes enables values natively stored as binary data types to be inserted into the data stream.

Burkett teaches a method and system (abstract) of streaming compressed structural documents

(col. 1, line 1 – col. 7, line 40 and col. 15, lines 20-40) wherein the stream includes binary data

types (col. 7, line 40 – col. 9, line 50).

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. They regard further teachings on numeric tokens and XML compression.

         Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-

3887. The examiner can normally be reached on 8:00-4:30 M-F.

         If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H. P./
Primary Examiner, Art Unit 2145
07 February 2008